

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

**CHARLESTON DIVISION**

Tabitha Eileen Britt, as Personal Representative,	)	C/A No.: 2:21-CV-3770-RMG-MGB
of the Estate of James Claude Britt, Jr.	)	
	)	
Plaintiff,	)	
v.	)	
	)	<b>PLAINTIFF'S DISCLOSURE OF</b>
The County of Charleston, South Carolina;	)	<b>EXPERT WITNESSES PURSUANT</b>
David Abrams, in his official capacity and his	)	<b>TO FED. R. CIV. P. 26(a)(2)</b>
individual capacity; Thomas "Chris" Esdorn, in	)	
his individual capacity; Gregory "Greg" Carney,	)	
in his individual capacity; and David M. French,	)	
M.D., in his individual capacity,	)	
	)	
Defendants.	)	
	)	

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Plaintiff, Tabitha Eileen Britt, as Personal Representative, of the Estate of James Claude Britt, Jr., by and through the undersigned counsel, hereby submits Plaintiff's Rule 26(a)(2) Expert Disclosures and designates the following as expert witnesses in the above-captioned action.

Nicholas I. Batalis, MD  
 Medical University of South Carolina  
 Department of Pathology and Lab Medicine  
 165 Ashley Ave., Suite 309  
 MSC 908  
 Charleston, SC 29425-9080

Nicholas Batalis, MD is an expert witness not retained or specially employed to provide expert testimony in this case under Rule 26(a)(2)(B)&(C), FRCP. Dr. Batalis performed the autopsy for James Claude Britt, Jr.'s death. At the time of the autopsy, Dr. Batalis was a forensic pathologist employed by the Medical University of South Carolina. The opinions and conclusions rendered by Dr. Batalis are set forth in the Autopsy Final Report previously produced through discovery and contained within the Charleston County Coroner's file. Dr. Batalis is expected to testify in the subject matter of forensic pathology and offer opinions set out in the autopsy report, including his opinion: "In light of the history provided and the autopsy findings, it is my opinion that the decedent died as the result of restrain asphyxia and the toxic effects of ketamine." "Furthermore, the manner of death is best deemed homicide." The facts and observations supporting this opinion are set out in the autopsy report.

Seth W. Stoughton  
1525 Senate Street  
Columbia, SC 29201

Seth Stoughton is tenured Professor at the University of South Carolina School of Law and a former police officer specializing in police training, police procedure, use of force, police/community relations, institutional dynamics of law enforcement and the regulation of police. Professor Stoughton teaches courses on Criminal Law, Criminal Procedure, Police Law & Policy, and Advanced Topics in Criminal Law. Professor Stoughton conducts academic research with a focus on regulation of policing, use of force, police investigations, agency policies, and industry practices. Mr. Stoughton was a Climenko Fellow and Lecturer on Law at Harvard Law School during the years 2012 through 2014. Mr. Stoughton obtained his juris doctorate from the University of Virginia School of Law. Professor Stoughton has published extensively on policing and the use of force, including as principal author of *Evaluating Police Uses of Force*, published by NYU Press in May 2020.

He is expected to testify consistent with his written report and as to matters within his experience and training regarding his knowledge and opinions pertaining to the facts alleged in Plaintiff's Complaint, additional pleadings, materials exchanged in discovery, and deposition testimony provided by witnesses upon scheduling and completion. The grounds of his opinions are based upon his education, employment experience, and review of case materials. His qualifications can be found in his curriculum vitae. Professor Stoughton's opinions in this matter are set out in detail in his expert report, which includes a list of materials relied upon and a recitation of material facts used in his analysis. It is his professional and expert opinion to a reasonable degree of certainty, more probable than not, that James Britt presented no imminent threat of escape or harm and any use of force beyond the application of handcuffs was disproportionate and contrary to generally accepted police practices. Accordingly, any use of force including keeping Brit in the prone position and/or the use of ketamine to facilitate the seizure was unreasonable, unlawful, and violative of the United States Constitution.

Grady Judson Bazzel, MD, CCHP  
4334 North Chapel Road  
Franklin, TN 37067

Grady Judson ("Judd") Bazzel, MD is a Doctor of Medicine. Dr. Bazzel obtained his MD from the University of South Alabama College of Medicine in 1996 and is Board Eligible in Family Practice. He is Just Culture certified, certified in basic life support, and certified as a Correctional Health Professional. Dr. Bazzel was an emergency room physician for Washington County General Hospital, Co-attending Physician for Mobile County Metro Jail, Attending Physician at Maury Regional Hospital Ambulatory Care Center, Medical Director for the Rutherford County Work Release Center, Medical Director for Montgomery County Jail, Medical Director for Davidson County Sheriff's Office, Chief Medical Officer for Correct Care Solutions, Patient Safety Officer for Correct Care Solutions, and the Patient Safety Officer and Medical Director for Care Management for Wellpath. He is a member of the Society of Correctional Physicians, the Academy of Correctional Health Services Professionals, the American Correctional Health Services Association, and the American College of Physician Executives.

Dr. Bazzel is expected to testify consistent with his written report and as to matters within his experience and training regarding his knowledge and opinions pertaining to the facts alleged in Plaintiff's Complaint, additional pleadings, materials exchanged in discovery, and deposition testimony provided by witnesses upon scheduling and completion. The grounds of his opinions are based upon his education, employment experience, and review of case materials. His qualifications can be found in his curriculum vitae. It is Dr. Bazzel's opinion in this case that there was no medical justification or authorization for the use of ketamine and the use of ketamine under these facts was solely to facilitate the arrest and seizure of Mr. James Britt, a law enforcement objective. It is also Dr. Bazzel's opinion that the training and policies and procedures regarding the use of ketamine by Charleston County EMS were "woefully inadequate" and did not give appropriate guidance on the proper use of ketamine. Specifically, the training and policies and procedures created an environment that did not prevent the non-medical use of ketamine as soon in this case.

Melissa J. Johnson, CPA, CVA, MAFF  
Elliott Davis, LLC  
100 Calhoun Street, Suite 300  
Charleston, SC 29401

Melissa Johnson is a Certified Public Accountant, a Certified Valuation Analyst, and a Master Analyst in Financial Forensics (MAFF). Mrs. Johnson obtained a BS from Southern Illinois University and an MS in Accounting from the College of Charleston. Ms. Johnson is a member of the American Institute of Certified Public Accountants, the South Carolina Association of Certified Public Accountants, and the National Association of Certified Valuation Analysts. She has performed forensic accounting and valuation services for approximately 20 years and is a shareholder with Elliott Davis, LLC.

Mrs. Johnson is expected to testify consistent with her written report and to matters within her expertise and training. Mrs. Johnson performed an analysis of whether there was any economic loss resulting from the death of James Britt, and if so the amount of that loss, including the reduction of any future loss to present value. Mrs. Johnson determined that as of January 11, 2023, the date of her report and the present expert disclosures, there is an economic loss in the amount of \$1,183,122.00. This loss is made up of lost future earnings, lost social security benefits, and lost household services. The methodology and calculation of loss is set forth in detail in Mrs. Johnson's expert report.

David H. Eagerton, Ph.D., F-ABFT  
1855 E. Main Street, Suite 14 #112  
Spartanburg, SC 29307

David Eagerton, Ph.D. is an Associate Professor of Pharmacology at the Edward Via College of Osteopathic Medicine and an expert in forensic toxicology. Dr. Eagerton has taught at Campbell University and Presbyterian College as well as serving as Executive Director for the Campbell University Pharmacy Education Research Center. Dr. Eagerton was a forensic toxicologist with South Carolina Law Enforcement Division including serving as Chief

Toxicologist from August 1997 until October 2009. He has published and presented extensively regarding issues in forensic toxicology as seen in his CV.

Dr. Eagerton is expected to testify consistent with his expert report in this case as well as to those matters within his knowledge and expertise based upon the facts and circumstances of the case. Dr. Eagerton analyzed the effects of ketamine and is expected to testify regarding how ketamine works on the human body in general and how it worked on James Britt in this case. He is expected to talk about the risks of ketamine, including the potential for adverse health outcomes as seen in the injuries suffered by James Britt leading to his death.

Plaintiff reserves the right to designate additional corresponding experts for any topics not set forth above for which Defendant(s) designate testifying experts. Plaintiff reserves the right to designate a responsive expert to any expert Defendants designate after this date. Plaintiff also reserves the right to call any expert witness who may be required to substitute for another expert listed herein in the event that the listed expert becomes unavailable to testify at trial due to circumstances beyond Plaintiff's control. Plaintiff further reserves the right to supplement this list prior to the trial of this case.

Plaintiff certifies through his counsel that pursuant to Fed. R. Civ. P. 26(a)(2)(B) he will serve on all counsel those materials required as part of his expert disclosures.

Respectfully submitted,

**McLEOD LAW GROUP, LLC**

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*Attorneys for Plaintiff*

January 11, 2023  
Charleston, South Carolina